

# IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1858.—ORDERED TO BE PRINTED.

Mr. COLLAMER, from the Committee on Territories, submitted the following as the

## VIEWS OF THE MINORITY

*On the Constitution of Kansas, adopted by the Convention which met at Leecompton on Monday, the 4th of September, 1857.*

Congress has passed laws in relation to slavery in the Territories at all periods of its existence. When the territory was held by grant or treaty that in no way affected slavery, and where such an institution existed, if at all, to a very limited extent, there Congress entirely prohibited it. If slavery existed, and especially if the territory was holden by a title or treaty which forbade abolition, there slavery was suffered to continue; but even there Congress often adopted measures to prevent or check further additions, and often, and before 1820, the taking of slaves into a Territory for sale was forbidden.

It is most observable, however, that in no case was the condition of a Territory, as to slavery, ever left to be a matter of contention to the people therein. It was regarded as a question of too much interest to the whole country to be left to local legislation. At no period in our history has it ever, by any party, been insisted that the people were not at liberty to arrange this matter, like all others, in their own way, in the formation or alteration of their State Constitution. In all the Territories north of the Ohio slavery was utterly forbidden by Congress from time to time, as they were formed, and in pursuance of the ordinance of 1787. In Mississippi, in 1798, Congress prohibited the importation of slaves, which they could not do in the States until 1808. This was direct intervention. In 1804, in Orleans Territory, (Louisiana,) Congress adopted three express provisions on slavery. Slaves were forbidden to be brought in, except with the owner's family, to settle. They were not to be imported from beyond the United States; none were to be taken there, in any manner, if imported after 1798. For breach of either of these provisions the slaves were declared free. This was plenary intervention.

In 1820 was passed the Missouri compromise, by which Missouri was admitted as a slave State, and all slavery was forever for-

bidden north of 36° 30' in the country ceded to us by France. This was done by the Southern vote by a large majority, with a small minority of the North, and so a Southern measure. This settled the condition of all the territory we then owned, and was the bond of peace on the subject for more than one-third of a century. When Texas was acquired, the same provision, by a line on 36° 30', was made for peace.

When, by arrangement with Great Britain, we obtained the exclusive right to Oregon, it was formed into a Territory, and slavery utterly prohibited. After our acquisition by the treaty of peace with Mexico, difficulty and trouble on this subject was renewed. In 1850 this was arranged by the admission of California as a free State, and forming New Mexico and Utah into Territories, with the right, when forming State Constitutions, at the proper time, to be admitted either with or without slavery, as such Constitution should provide. This was also a Southern measure; and it, together with the former measures then in force, again settled the condition of all our territory as to slavery. It was claimed and sustained as a *finality* of this subject.

In 1854 a measure was adopted, at the claim of the slaveholding States, by which, in effect, both and all the settlements were broken up, and the whole policy of the Government on this subject changed. The country south of 36° 30'—Missouri, Arkansas, Louisiana, and Florida—obtained from Spain, had been made into slave States; but the country north of that line was mostly unsettled, Iowa only having been formed therefrom. The Kansas-Nebraska act was passed, the Missouri compromise line declared inoperative, and the subject of slavery was professedly turned over to the people who should go and inhabit that country. This was an invitation to all men to enter this field of competition for free or slave institutions; and it was to be expected

that the friends and promoters of these two systems would make vigorous exertions in the struggle, and that settlement, by friends of each, would be highly stimulated by all lawful means. Hence associations and societies have been put in operation, both North and South, to promote such settlement by their respective friends. This was, however, neither unlawful nor censurable. That provision of the Kansas act is as follows:

"The eighth section of the act preparatory to the admission of Missouri into the Union (which being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as required by the legislation of 1850, commonly called the compromise measure) is hereby declared inoperative and void, it being the true intent and meaning of this act not to legislate slavery into said Territory, or to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of March 6, 1820, either protecting, establishing, prohibiting, or abolishing slavery."

Without now inquiring into the propriety, expediency, or moral justice, of this law, clear it is that it contains the plighted public faith of this nation that the people of Kansas shall have the right of self-government consistent with the Constitution.

Plighted public faith and just laws, however, secure no rights to men. These are found only in the just and fair execution of such laws; and we will now briefly inquire how that has been done in relation to that people. Have they been permitted to exercise their promised freedom, even in the initiation of the Government provided for them?

The Governor of Kansas having, in pursuance of law, divided the Territory into districts, and procured a census thereof, issued his proclamation for the election of a Legislative Assembly therein, to take place on the 30th day of March, 1855, and directed how the same should be conducted, and the returns made to him, agreeable to the law establishing said Territory. On the day of election, large bodies of armed men from the State of Missouri appeared at the polls in most of the districts, and, by most violent and tumultuous carriage and demeanor, overawed the defenceless inhabitants, and by their own votes elected a large majority of the members of both Houses of said Assembly. On the returns of said election being made to the Governor, protests and objections were made to him in relation to a part of said districts; and as to them, he set aside such, and such only, as by the returns appeared to be bad. In relation to others, covering, in all, a majority of the two Houses, equally vicious in fact, but apparently good by formal returns, the inhabitants thereof,

borne down by said violence and intimidation, scattered and discouraged, and laboring under apprehensions of personal violence, refrained and desisted from presenting any protest to the Governor in relation thereto, and he, then uninformed in relation thereto, issued certificates to the members who appeared by said formal returns to have been elected.

In relation to those districts which the Governor so set aside, orders were by him issued for new elections. In one of these districts the same proceedings were repeated by men from Missouri, and in others not, and certificates were issued to the persons elected.

This Legislative Assembly, so elected, assembled at Pawnee on the 2d day of July, 1855, that being the time and place for holding the meeting, as fixed by the Governor, by authority of law. On assembling, the Houses proceeded to set aside and reject those members so elected on said second election, except in the district where the men from Missouri had, at said election, chosen the same persons they had elected at the said first election, and they admitted all of the said first-elected members.

A Legislative Assembly, so created by military force, by a foreign invasion, in violation of the organic law, was but a usurpation. No act of its own, no act or neglect of the Governor, could legalize or sanctify it. Its own decisions as to its own legitimacy are, like its laws, but the fruits of its own usurpation, which no Governor could legitimate.

That Territorial Legislature passed the following law:

"Sec. 11. If any person print, write, introduce into, publish, or circulate, or cause to be brought into, printed, written, published, or circulated, or shall knowingly aid or assist in bringing into, printing, publishing, or circulating, within this Territory, any book, paper, pamphlet, magazine, hand-bill, or circular, containing any statements, arguments, opinions, sentiments, doctrines, advice, or innuendo, calculated to promote a disorderly, dangerous, or rebellious disaffection among the slaves in this Territory, or to induce such slaves to escape from the service of their masters or to resist their authority, he shall be guilty of a felony, and be punished by imprisonment and hard labor for a term not less than five years.

"Sec. 12. If any free person, by speaking or by writing, assert or maintain that persons have not the right to hold slaves in this Territory, or shall introduce into this Territory, print, publish, write, circulate, or cause to be introduced into this Territory, written, printed, published, or circulated, in this Territory, any book, paper, magazine, pamphlet, or circular, containing any denial of the right of persons to hold slaves in this Territory, such person shall be deemed guilty of felony, and punished by imprisonment at hard labor for a term of not less than two years." And further providing, that no person "conscientiously opposed to holding slaves" shall sit as

a juror in the trial of any cause founded on a breach of the foregoing law. They further provided; that all officers and attorneys should be sworn not only to support the Constitution of the United States, but also to support and sustain the organic law of the Territory, and the fugitive slave laws; and that any person offering to vote shall be presumed to be entitled to vote until the contrary is shown; and if any one, when required, shall refuse to take oath to sustain the fugitive slave laws, he shall not be permitted to vote. Although they passed a law that none but an inhabitant, who had paid a tax, should vote, yet they required no time of residence necessary, and provided for the immediate payment of a poll-tax; so providing, in effect, that on the eve of an election the people of a neighboring State could come in, in unlimited numbers; and, by taking up a residence of a day or an hour, pay a poll-tax, and thus become legal voters, and then, after voting, return to their own State. They thus, in practical effect, provided for the people of Missouri to control elections at their pleasure, and permitted such only of the real inhabitants of the Territory to vote as are friendly to the holding of slaves.

They permitted no election of any of the officers in the Territory to be made by the people thereof, but created the offices and filled them, or appointed officers to fill them for long periods, and provided that the next annual election should be holden in October, 1856, and the Assembly to meet in January, 1857; so that none of these laws could be changed until the Lower House might be changed, in 1856; but the Council, which is elected for two years, could not be changed so as to allow a change of the laws or officers until the session of 1858, however much the inhabitants of the Territory might desire it.

These laws, made by an Assembly created by a foreign force, are but a manifestation of the spirit of oppression which was the parent of the whole transaction.

They were obviously made to oppress and drive out all who were inclined to the exclusion of slavery; and if they remained, to silence them on this subject, and subject them to the will and control of the people of Missouri. These are the laws which the President says must be enforced by the army and whole power of this nation.

The people of Kansas, thus invaded, subdued, oppressed, and insulted, seeing their Territorial Government (such only in form) perverted into an engine to crush them in the dust, and to defeat and destroy the professed object of their organic law, by depriving them of the "perfect freedom" therein provided; and finding no ground to hope for rights in that organization, they proceeded, under the guarantee of the United States Constitution, "peaceably to assemble to petition the Government for the redress of (their) grievances." They saw no earthly source of relief but in the formation of a State Government by the peo-

ple, and the acceptance and ratification thereof by Congress.

It is true that, in several instances in our political history, the people of a Territory have been authorized by an act of Congress to form a State Constitution, and, after so doing, were admitted by Congress. It is quite obvious that no such authority could be given by the act of the Territorial Government. That clearly has no power to create another Government paramount to itself. It is equally true that, in numerous instances in our history, the people of a Territory have, without any previous act of Congress, proceeded to call a Convention of the people by their delegates; have formed a State Constitution, which has been adopted by the people, and a State Legislature assembled under it, and chosen Senators to Congress, and then have presented said Constitution to Congress, who has approved the same, and received the Senators and members of Congress who were chosen under it before Congress had approved the same. Such was the case of Tennessee; such was the case of Michigan, where the people not only formed a State Constitution without an act of Congress, and without any act of the Territorial Government, but they also put the State Government into full operation, and superseded the Territorial Government, and it was approved by Congress by receiving it as a State.

This was then sustained in the Senate by the present President Buchanan, who there declared that any act of the Territorial Legislature for the calling a Convention to form a Constitution, would be an act of usurpation.

The people of Florida formed their Constitution, without any act of Congress therefor, six years before they were admitted into the Union. When the people of Arkansas were about forming a State Constitution without a previous act of Congress, in 1835, the Territorial Governor applied to the President on the subject, who referred the matter to the Attorney General, and his opinion, as then expressed and published, contained the following:

"It is not in the power of the General Assembly of Arkansas to pass any law for the purpose of electing members to a Convention, to form a Constitution and State Government, nor to do any other act, directly or indirectly, to create such Government. Every such law, even though it were approved by the Governor of the Territory, would be null and void; if passed by them, notwithstanding his veto, by a vote of two-thirds of each branch, it would still be equally void."

He further decided that it was not rebellious or insurrectionary, or even unlawful, for the people peaceably to proceed, even without an act of Congress, in forming a Constitution, and that the so forming a State Constitution, and so far organizing under the same as to choose the officers necessary for its representation in Congress, with a view to present the same to Congress for admission, was a power which fell clearly within the right of the people to assemble and petition for redress. The peo-

ple of Arkansas proceeded without an act of Congress, and were received into the Union accordingly. If any rights were derived to the people of Arkansas from the terms of the French treaty of cession, they equally extended to the people of Kansas, it being a part of the same cession.

In this view of the subject, the people assembled at Topeka, in said Territory, by delegates chosen in the several counties, in public meetings assembled for that purpose, in September, 1855, who formed a Constitution which was submitted to the people for their ratification or rejection, and which was duly ratified by a large majority of all who thought proper to vote, being, as we believe, a majority of all the voters then in the Territory.

Under that Constitution an election of a Governor and Legislature was made, and officers appointed, and an organization made, for the purpose of petitioning Congress for admission to the Union; and a memorial was made and presented to Congress, with said Constitution, for that purpose.

That memorial or petition for the admission of Kansas as a State, under the Topeka Constitution, formed as before stated, and so presented to Congress, though agreed to by the House of Representatives, was rejected by the Senate. The investigation, the evidence, and the facts, as to the invasion and subjugation of Kansas at the March election of 1855, as presented by the committee of the House of Representatives, appointed for such investigations, fully discloses its enormity and outrage, as before stated, and shows that the invasion extended to every election district but one, yet the Senate entirely refrained from investigation, and all redress for that people failed.

No provision was made to correct the wrong, and they were left to suffer under the oppression of the tyrannical laws and usurped power of the unscrupulous minority which force and fraud had there installed in official position, with the power and army of the United States pledged to sustain them. Thus ended the session of Congress in the summer of 1856. In that summer this usurped power in Kansas was exercised over the people there in the same spirit in which it originated, and, as manifested in the laws before mentioned, to drive the Free State people from the Territory, and prevent their emigration thereto. Aided by the people in Missouri, who had first subjugated the Territory, and by others like minded, under pretended color of the laws so made, freedom of speech was crushed, printing presses were destroyed, and pillage, conflagration, and murder, spread over the land. Every attempt at self-defence by the Free State people was pronounced "*constructive treason*," and large numbers were long imprisoned and guarded by United States troops therefor.

Many of the people were compelled to flee, and the Missouri river, the usual means of access to the Territory, was blockaded, and emigrants prevented from proceeding. Thus

closed the gloomy autumn of 1856, and during the succeeding winter a large part of the people were dependent for their necessary supplies on the charitable contributions of the people of distant States. In October, 1856, a Territorial election for members of its House of Representatives occurred; but persecuted, scattered, and imprisoned, and the oppression of the tyrannical statutes of test oaths and gag laws continuing, entirely deprived the Free State people from any participation therein, and so the usurpation continued.

The people who had formed the Topeka Constitution for presentation to Congress, and which they presented to Congress, not despairing of the justice of their country, and yet hoping that Congress might accept it, continued from time to time their provisional organization under the same, in order again to present the same, and the same has again been submitted to the people for ratification, and all invited to participate therein; and the same was again ratified by the majority of all who thought proper to vote in August, 1857. But no Government under the same has ever, in any respect, been attempted to be put in operation, or the same in any manner been asserted against the existing officers of the United States, or its laws, including that establishing Kansas Territory. It was, and ever has been, preliminary and provisional, subject to the action of Congress. It is indeed true that a large part, and probably a large majority, of that people were attached to that Constitution, which they have repeatedly requested Congress to accept, but that they have ever attempted, in any act or spirit of rebellion, forcibly to put in operation a Government under it, is entirely untrue; although individual wishes or ultimate purposes to such an end, on some possible contingencies, have, at times, been expressed. It is, however, true that the people have ever regarded the acts of the Territorial legislation, so usurped as aforesaid, as utterly without legal force, and have not held themselves bound in obedience thereto; and the same have been in effect generally inoperative in the Territory, except so far as enforced by United States troops.

In February, 1857, the Territorial Legislature passed a law for the election of a Convention to form a Constitution for Kansas, as a State, with a view to apply to Congress for admission. This was done without any act of Congress for that purpose, Congress having recently refused to pass such a law, though recommended by the President; and the proceeding was therefore, though not unlawful, in no way authoritative, and its result entitled to the consideration of Congress only so far as it was sanctioned by the votes and expressed the free will of the people of the Territory, or a majority thereof, in a full election, fairly conducted. Such a result could not be ascertained but by subjecting the Constitution to the full and unconditional vote of the whole people, for ratification or rejection. This is more especially true when conflicting

opinions on the subject are well known to exist, as was the case with this Territory. A large part of the people, and, from what subsequently occurred, it is apparent a large majority of the people, did not participate in the election of these delegates; and a sufficient reason for that course was found in these considerations:

1st. The supervision and returns of the election was in power of men appointed by a Legislature in whose election a large part of the people never participated, in whom, for this cause, and from the manner in which they conducted elections, they had no confidence.

2d. The United States officers there, the Governor and Secretary, had no control over these judges of the election.

3d. The Territorial Legislature, in directing the election of delegates to the Convention, had provided for the taking a census for the apportionment of delegates, and making a voting list in the several counties. This was, by accident or design, very imperfectly done in any county, and in almost one-half of the counties, some of which were among the most populous in the Territory, it was entirely neglected, and therefore a large part of the people were entirely prevented from acting.

4th. The people were often, repeatedly, and officially assured by the Governor and Secretary, whom they regard as the organs of the General Government, that the Constitution, when formed, must be and should be submitted unconditionally to the whole actual resident people, for their ratification or rejection. Under these circumstances, relying on these official assurances, they awaited quietly that day, and promised opportunity to exercise their acknowledged inalienable right to vote on their own Constitution. The result has shown this was an unreliable security, for the Constitution, as formed by the Convention, was by them never so submitted to the people, but in the conditional and deceptive manner hereafter described. The Convention, so elected, met in September, 1857; at Leecompton, and adjourned until after the Territorial election of a Legislature in October, 1857.

The mass of the people of that Territory have always placed confidence in the fidelity and integrity of the Governors whom the President has appointed, whenever the same have been long enough in the Territory, from personal acquaintance with its people and condition, to become disabused of the delusion in relation to them which seems to be entertained and cherished with so much pertinacity by the dominant power in Washington. When Governor Walker and acting Governor Stanton had personally and clearly ascertained — as Governor Reeder and Governor Geary had done before them — that the great body of the people, including most of its worthy and reliable inhabitants of both political parties, truly regarded themselves as oppressed and dominated over by a small and unscrupulous minority, inaugurated by violence and perpet-

uated by fraud, backed and supported by United States dragoons, and that this great body of the people had, with long forbearance, waited for a fair opportunity peaceably, at the ballot-box, to manifest their opinions and their strength, and reclaim their rights, then it was that they honestly resolved to endeavor to give to that people such an opportunity, as far as they were able. They proceeded industriously and faithfully to exhort the people to participate in the election of a Territorial Legislature in October, 1857, not under the Territorial acts, but under the laws of Congress, and gave the most authoritative assurances of freedom and fairness. That people knew, indeed, that the supervision and control of the election was in the hands of officers never appointed by them or the Governor, and not under their control, and that they were subject to being outvoted by voters, by such officers admitted to vote, from Missouri, or by the insertion of fictitious votes, or by false returns. Unwilling, however, to be longer taunted from abroad with the charge of cowardly or factious inaction, and relying on the assurances of the Governor, and their own well-known superiority of numbers, they generally concluded to proceed to the polls, and attempt once more to exercise their rights under the laws of Congress. And what does the result disclose? It shows that, notwithstanding many declined to vote, lest thereby they should implicitly recognise as lawful the existing usurpation, over 11,000 votes were cast, and a Free State Legislature elected. In the next place, the result showed that all the apprehensions of that people as to fraudulent voting and returns, under the auspices of these judges of the elections, were well founded. We are well informed by Governor Walker and Secretary Stanton, that votes to the amount of 1,600 in one case, and over 1,000 in another, came certified from precincts where, from personal examination, they found a limited population of but a few hundred. A large part of these votes were obviously fictitious; and those returns were set aside, being informally certified. Had not this been done by the Governor, the original usurpation would again have been renewed and perpetuated by fraud.

The result of this election was regarded by all candid men there as settling the condition of Kansas, and, accordingly, when the Convention assembled at Leecompton, on its adjournment, it was difficult to obtain even a bare majority to constitute a quorum. A majority of this quorum, but not of whole elected delegates, proceeded with the spirit of desperation to defeat and evade the well-known and clearly-expressed will of the people, and, by ingenious devices and cunning forms, to fasten upon them a State Constitution abhorrent to their feelings, and at the same time redeem, in a delusive form only, the pledges which had been given that it should be submitted to the people. In order to evade and frustrate the will of that people, thus impose upon them a Constitution against

their consent, five, apparently certain legal securities, were to be evaded or demolished. 1st. The Constitution with slavery must not be submitted to the people in any such way that a majority could reject it; and yet it must be submitted to them, to redeem pledges and keep up appearances of fairness. 2d. The conduct of Governor Walker having shown that he would not prostitute his official duty by aiding in the success of fictitious votes and illegal returns, a course must be taken to avoid any use of his official action. 3d. The use of the legal officers for conducting the elections and making returns must be avoided, as they might be subjected to penalties if guilty of fraud, and possibly the new Territorial Legislature might make appointment of honest men. 4th. In order to supersede the Legislature, so recently elected by the people, and restore power to the usurpation it had overcome, it was necessary so to make the apportionment of Representatives, under the proposed State Government, as to overcome the actual Free State majority, now well known to exist, and keep the supervision of the election out of their hands. 5th. To so arrange it as to render any action of the new Legislature unavailable, and to perpetuate the laws which the long-continued usurpation had adopted.

To effect these purposes, the Convention addressed themselves with unscrupulous ingenuity, and whether with success, it remains for Congress to determine.

They framed a Constitution establishing slavery in two forms: First, for perpetuating in slavery all slaves then in the Territory, and their progeny, and prohibiting abolition. Second, allowing their unlimited introduction with their owners, for settlement. They then provided for submitting this Constitution to the people, professedly for their approval or rejection, on the 21st day of December, 1857; but, in this form only, that they might vote "the Constitution with slavery," or "the Constitution with no slavery." If the former had a majority, the whole Constitution was adopted; if the latter had a majority, it rejected only that clause allowing the further importation of slaves. They were not allowed to vote against the Constitution; so it was to be adopted, however objectionable, and to be a slaveholding State in any event. In this manner, the first object was to be effected.

They provided that the election was to be conducted and returns made, by men appointed by the President of the Convention, (Calhoun,) after the Convention had closed, and thereby he out of office, and the returns to be made to him. Thus was the Governor got rid of, and the second object effected.

This mode of making and using supervisors, or judges of election, unknown to law, secured the third object. The provision by them that such men should be subjected to prosecution for frauds, &c., was an idle show of legislation, entirely inoperative. To secure the fourth purpose, the Convention based their apportionment of Representatives in the State election,

to take place in January, 1858, upon the same spurious, fraudulent, and fictitious votes so returned and rejected in the late Territorial election. To secure the fifth object, they provided that all laws then existing (not those existing when the State should be admitted) should remain in force until repealed by a State Legislature, under the Constitution. The great mass of the people, unwilling to be the dupes of such trickery, declined voting in the manner proposed, on that Constitution, December 21, 1857; and the Territorial Legislature was assembled by the call of Acting Governor Stanton. A vote was taken on the 21st December, by the men appointed by Calhoun, who returned to him that there was cast some 6,000 votes, adopting the Constitution with slavery, as formed. What proportion of these votes, or of those cast for the delegates, were fraudulent and spurious, we have no certain means of determining, as the Senate has declined instructing or authorizing the committee to obtain full information, or clothing them with the means for that purpose. We have, however, the authority of the presiding officers of the two branches of the Legislature, who were present at the counting of the votes on the Constitution, by invitation of said Calhoun, for saying that not more than two thousand of these were cast by legal voters of the Territory.

The Territorial Legislature, so assembled by Acting Governor Stanton, passed an act providing that the people, on the 4th of January, 1858, should cast their votes on said Constitution, either for it with slavery, for it without slavery, or against the Constitution.

That vote was taken, and the vote against the Constitution was more than ten thousand majority.

The Convention provided for the election of State officers and a Legislature under the Constitution on the 4th day of January, 1858, but it was to be conducted by the same men so appointed by said Calhoun, and the returns made to him. As to the voting at this State election, the Free State people were much divided in opinion. A large number declined to vote, as they feared the so doing would be unfairly insisted on by their opponents as a ratification of the Constitution, to which they were opposed. A part of the Free State people, who had thus voted against the Constitution, apprehending, more especially from what was contained in the President's annual message, that Congress might admit Kansas as a State, and with this Constitution, even though contrary to the will of the majority of the people there; and unwilling, in that event, to leave the State officers and Legislature in the hands of the minority who framed and adopted that Constitution, proceeded to vote at the election of those State officers at the polls conducted by the men so appointed by said Calhoun.

The returns of this election have been made to said Calhoun, but, as the committee have received no power to institute inquiry into the true character of that election, we are unable

to say how far the well-prepared arrangements for successful imposition have been carried into execution with impunity.

From what has been disclosed by the investigations before the Territorial Legislature, we feel authorized to believe that the preparations to defeat the will of that people have been extensively executed, and their ultimate results depend on the action of said Calhoun, in a capacity unknown as a legal officer, and in no way subject to a prosecution or impeachment. That he will be faithful to the ultimate purposes for which he has so long and unscrupulously labored—that is, the making of Kansas a permanent slaveholding State, whether its people desire or not—we have little reason to doubt, so far as he can do it with impunity.

The Territorial Government of Kansas was never organized as provided in its organic act—that is, by its own people—but was usurped by a foreign force, conquered, subdued by arms, and a minority installed in power, which has ever since been sustained by the General Government, instead of being examined into and corrected. This has been done and sustained to establish and perpetuate slavery.

The Lecompton Constitution is the result

of this proceeding, and is contrary to the will of a great majority of that people, legally expressed; and the proceeding of Congress, *at its discretion*, to consummate this protracted atrocity, and especially for such a purpose, is a violation of the fundamental principle of republican government, and can produce no permanent repose or satisfaction.

The people of that Territory, in the late Territorial election, have reclaimed their rights, and that Territorial Government is for the first time now moving peaceably on in its legitimate sphere of promised freedom.

This Lecompton Constitution and its adoption was concocted and executed to supersede this triumph of justice. To admit it by Congress, is but to give success to fraud and encouragement to iniquity; and to turn over that people, not to an election fairly and legally conducted, but to such State officers and legislators as said Calhoun shall hereafter proclaim, and on such contingency as he shall determine; and his long, mysterious, and inexcusable indecision and reserve, but encourages expectation in both parties, one of which is certainly doomed to disappointment.

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